United Nations A/71/648–S/2016/1027

General Assembly
Security Council

Distr.: General
5 December 2016

Original: English

General Assembly
Seventy-first session
Agenda item 31
Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 2 December 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to inform you that, on 1 and 2 December 2016, the Ministry of Defence of Ukraine conducted test flights with practice launches of surface-to-air guided missiles from the territory of Ukraine over the territory of Ukraine, its territorial waters in the Black Sea and over the high seas, where Ukraine bears the responsibility for air traffic services, in accordance with international aviation law and multilateral and bilateral agreements approved by the International Civil Aviation (ICAO) Council decision of 17 February 1997 (EUR/NAT96/38-ATS).

In full compliance with international law, the Ministry of Defence of Ukraine announced these test flights in advance. To guarantee safe use of airspace the Ukrainian side issued a notice to airmen regarding the establishment of temporarily dangerous areas in a specified part of the Ukrainian airspace over the Black Sea.

Ukraine announced in a timely manner the closure of air traffic in certain areas of the airspace that are under the sovereignty of Ukraine according to articles 1 and 2 of the Chicago Convention on International Civil Aviation of 1944.

The Ukrainian side did not receive any requests from the Russian side for additional clarifications, as provided for under the Vienna Document 2011 on Confidence- and Security-Building Measures of the Organization for Security and Cooperation in Europe (OSCE).

Instead, the Russian side unlawfully interfered in air traffic control over the Black Sea where Ukraine bears the responsibility for air traffic services, as well as officially threatened to use force against the units of the Armed Forces of Ukraine located on the territory of Ukraine.

The Ukrainian side considers such actions of the Russian side as yet another act of aggression against the sovereignty of Ukraine, a violation of international obligations regarding the territorial integrity of Ukraine, of the inviolability of Ukraine's borders, of the peaceful settlement of disputes, of the non-use of force or

Please recycle

threat of force as well as of the strengthening of peace and security in the Euro-Atlantic region, as per provisions under the Charter of the United Nations, the Helsinki Final Act of OSCE of 1975, the Memorandum on Security Assurances in Connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons of 1994, the Chicago Convention on International Civil Aviation of 1944, the ICAO Council decision of February 1997 (EUR/NAT96/38-ATS) and other bilateral and multilateral international agreements.

The Ukrainian side has taken comprehensive measures to exclude any threats to civil aviation and to minimize risks created by the Russian Federation.

Ukraine proceeds from the understanding that all responsibility for the threat of use of military force by the Russian Federation against Ukraine as well as possible negative consequences of this threat lie exclusively with the Russian Federation.

I would appreciate your kind assistance in having the present letter distributed as a document of the General Assembly, under agenda item 31, and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative